UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/111
S/1996/272
11 April 1996
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of April 1996, I have the honour to transmit to you herewith a copy of resolution 5543, entitled "The Israeli occupation of parts of southern Lebanon and the western Bekaa and the implementation of Security Council resolution 425 (1978)", which was adopted by the Council of the League of Arab States at its one hundred and fifth regular session on 21 March 1996.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative

* A/51/50.

96-09184 (E) 160496 170496 180496

/...

ANNEX

Resolution 5543, entitled "The Israeli occupation of parts of southern Lebanon and the western Bekaa and the implementation of Security Council resolution 425 (1978)", as adopted by the Council of the League of Arab States at its one hundred and fifth regular session on 21 March 1996

The Council of the League of Arab States,

Having taken note of the memorandum of the General Secretariat and of the recommendation of the Political Affairs Committee,

Condemning Israel's continued occupation of parts of southern Lebanon and the western Bekaa in flagrant violation of international law and in continuing disregard of Security Council resolution 425 (1978) and relevant subsequent resolutions,

Condemning the continuing Israeli attacks on Lebanese towns and villages in which prohibited weapons are being used against defenceless civilians and children,

Condemning oppressive Israeli practices and the naval blockade imposed on the southern coast of Lebanon that prevents fishermen from working unimpeded and from earning a living,

Reaffirming Lebanon's right to compensation for the human casualties and damage it suffers owing to repeated Israeli attacks and for the oppressive practices against the peaceful inhabitants of southern Lebanon and the western Bekaa that result from the Israeli occupation,

Recalling the Council's resolutions on Arab solidarity with the Lebanese Government for an end to the Israeli occupation of Lebanese territory, the most recent of which was its resolution 5494 (CIV) of 21 September 1995, and the resolutions adopted by the Tenth, Eleventh and Twelfth Arab Summit Conferences calling for support and assistance to the Lebanese Government for the rebuilding of the country,

Decides

1. To condemn Israel in the strongest terms for its continued occupation of parts of southern Lebanon and the western Bekaa; and to call upon the international community, and upon the United Nations and all its associated bodies in particular, to strive for the implementation of Security Council resolution 425 (1978) and the relevant subsequent resolutions calling for Israel's immediate and unconditional withdrawal from all occupied Lebanese territory to the internationally recognized boundaries;

2. To condemn Israel in the strongest terms for its persistence in making repeated attacks on Lebanese territory; and to urge the international community

to redouble its efforts and take all possible measures to prevail upon Israel to lift its naval blockade of Lebanon's coast and a number of its ports;

3. To appeal to international organizations and their member States to bring pressure to bear on Israel to pay compensation to Lebanon for the damage caused by its repeated attacks on Lebanese territory and to take action to halt the inhumane and oppressive Israeli practices against the peaceful inhabitants of occupied Lebanese territory in the south and the western Bekaa;

4. To reaffirm its support for the efforts of the Lebanese State to extend its sovereignty and authority over all its territory, including the areas occupied by Israel in southern Lebanon and the western Bekaa;

5. To reaffirm the need for States members of the League of Arab States to implement Council resolution 5213 of 5 July 1992 calling for the provision of the assistance for the reconstruction of Lebanon allocated by them at their Tenth Summit Conference;

6. To extend its thanks to those States members of the League of Arab States that have provided the Lebanese Government with support and financial assistance pursuant to Council resolution 5318, adopted on 31 July 1993 at the Council's extraordinary session in Damascus; and to urge other member States also to provide financial assistance in a timely fashion in implementation of the same resolution.

Resolution 5543
One hundred and fifth regular session
3rd meeting
21 March 1996

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/112
S/1996/273
11 April 1996
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of April 1996, I have the honour to transmit to you herewith a copy of resolution 5544, entitled "Lebanese hostages and detainees held in Israeli camps and prisons", which was adopted by the Council of the League of Arab States at its one hundred and fifth regular session on 21 March 1996.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 33 of the preliminary list, and of the Security Council.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative

* A/51/50.

96-09190 (E) 160496 170496 180496

/...

ANNEX

Resolution 5544, entitled "Lebanese hostages and detainees held in Israeli camps and prisons", as adopted by the Council of the League of Arab States at its one hundred and fifth session on 21 March 1996

The Council of the League of Arab States,

Having taken note of the memorandum of the General Secretariat and of the recommendation of the Political Affairs Committee,

Strongly condemning Israeli attacks and oppressive practices in the occupied Lebanese territories of southern Lebanon and the western Bekaa, in particular the kidnapping and detention of innocent citizens who are imprisoned without trial in prisons in Israel and in the camps run by forces under Israeli control,

Recalling with deep regret Israel's failure to implement Security Council resolution 425 (1978) and relevant subsequent resolutions,

Mindful of the principles of international law concerning the protection of human rights, in particular the Universal Declaration of Human Rights, the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 and The Hague Convention of 1907,

Noting the insanitary and inhumane conditions in which the detainees are kept and in which a number of them have died,

Recalling the relevant resolutions of the United Nations Commission on Human Rights,

Recalling the Council's earlier resolutions on Lebanese hostages and detainees held in Israeli camps and prisons, the most recent of which was resolution 5495 (CIV), of 21 September 1995,

Decides

1. To condemn the persistent Israeli violations of human rights in southern Lebanon and the western Bekaa, as exemplified by the kidnapping and arbitrary arrest of civilians and the destruction of their homes, the confiscation of their property and their expulsion from their land, as well as by the shelling of peaceful villages and urban areas;

2. To appeal to the international community, and the United Nations in particular, to take all necessary steps to deter Israel from committing such violations and to comply with Security Council resolution 425 (1978), which calls upon Israel to withdraw forthwith, completely and unconditionally, from all Lebanese territory and for respect for the sovereignty, independence and territorial integrity of Lebanon;

3. To appeal to the international community to make all necessary representations to Israel to secure the release of all Lebanese prisoners and victims of kidnapping held in prisons in Israel and in the camps run by forces under Israeli control in violation of the provisions of international law, the fourth Geneva Convention of 1949 and The Hague Convention of 1907;

4. To urge the member States of the League to use their good offices in international organizations so that all necessary representations are made to the Government of Israel, the occupying Power, to enable the International Committee of the Red Cross and other humanitarian organizations to visit the detainees in Khiam and Marj Uyun periodically and to ensure that the conditions in which they are being kept are inspected, they are provided with health and humanitarian care and their relatives are allowed to visit them regularly;

5. To demand that investigations be held, as required by international treaties, concerning Lebanese detainees who have died in Israeli camps and prisons, and that appropriate compensation be paid in accordance with the applicable international law.

Resolution 5544
One hundred and fifth regular session
3rd meeting
21 March 1996

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/113
S/1996/276
12 April 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Items 67 and 79 of the
preliminary list*
ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE REGION OF THE MIDDLE EAST
AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY

SECURITY COUNCIL
Fifty-first year

Letter dated 12 April 1996 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the pleasure to attach herewith the text of the Cairo Declaration adopted on the occasion of the signature of the African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba) by the Foreign Ministers and heads of delegation attending the signing ceremony of the Treaty, held at Cairo, on 11 April 1996.

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under items 67 and 79 of the preliminary list, and of the Security Council.

(Signed) Nabil ELARABY
Ambassador
Permanent Representative

* A/51/50.

ANNEX

Cairo Declaration, adopted on the occasion of the signature of the African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba), at Cairo, on 11 April 1996

The African States signatories of the African Nuclear-Weapon Free-Zone Treaty (the Treaty of Pelindaba), meeting at Cairo, on 11 April 1996,

Recalling the Declaration on the Denuclearization of Africa adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first ordinary session, held at Cairo in 1964,

Recalling also the adoption by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-first ordinary session, held at Addis Ababa from 26 to 28 June 1995, of the final text of the Treaty,

Recalling further United Nations General Assembly resolution 50/78 of 12 December 1995, by which the Assembly welcomed the adoption of the African leaders of the final text of the Treaty,

Recognizing the valuable contribution that the establishment of nuclear-weapon-free zones in Latin America and the Caribbean, South Pacific and South-East Asia have made to the process of nuclear non-proliferation,

Stressing the importance of promoting regional and international cooperation for the development of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the African continent,

Solemnly declare that the signing of the Treaty further consolidates global efforts towards the non-proliferation of nuclear weapons including the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and is a highly significant contribution to the enhancement of international peace and security;

Invite the African States to ratify the Treaty as soon as possible so that it can enter into force without delay;

Call upon the nuclear-weapon States as well as the States contemplated in Protocol III to sign and ratify the relevant protocols to the Treaty as soon as possible;

Emphasize that the establishment of nuclear-weapon-free zones, especially in regions of tension, such as the Middle East, on the basis of arrangements freely arrived at among the States of the regions concerned, enhances global and regional peace and security;

Call upon all those States who have not yet done so to adhere to the NPT;

Call upon the nuclear-weapon States to actively pursue the goal of a nuclear-weapon-free world as embodied in article VI of the NPT, through the urgent negotiation of agreements with effective measures of verification towards the complete elimination of nuclear weapons at the earliest possible time;

Decide that the first session of the Conference of the States Parties to the Treaty shall be held not later than one year after its entry into force, and endorse the establishment of the headquarters of the African Commission on Nuclear Energy in South Africa;

Request the Secretary-General of the United Nations, in accordance with resolution 50/78, adopted by the United Nations General Assembly on 12 December 1995, to provide the necessary assistance in 1996 in order to achieve the aims of the present declaration.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/114
12 April 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 113 of the preliminary list*

HUMAN RIGHTS QUESTIONS

Letter dated 9 April 1996 from the Permanent Representative of Estonia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a document entitled "Comments on the position paper of the Russian delegation entitled 'Violation of the rights of non-citizens of Estonia', distributed by the Estonian delegation on 7 March 1996 at the plenary meeting of the Permanent Council of the Organization for Security and Cooperation in Europe" (see annex). This document is Estonia's response to the allegations circulated, at the request of the Permanent Representative of the Russian Federation to the United Nations, as document A/51/81 of 20 March 1996.

I should be most grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 113 of the preliminary list.

(Signed) Trivimi VELLISTE
Ambassador
Permanent Representative

* A/51/50.

96-09279 (E) 160496 170496

/ ..

ANNEX

Comments on the position paper of the Russian delegation entitled "Violation of the rights of non-citizens of Estonia", distributed on 7 March 1996 at the plenary meeting of the Permanent Council of the Organization for Security and Cooperation in Europe

1. The number of persons in Estonia that have not yet acquired the citizenship of Estonia, the Russian Federation or any other State is now less than one sixth of the population, or 250,000 out of a population of 1.5 million. This number is constantly decreasing as a result of the continuing process of naturalization. Approximately 2,000 individuals are naturalized as Estonian citizens monthly.

Using the term "foreigner who is entitled to obtain Estonian citizenship" cannot be seen as discriminative, as it preserves the option for obtaining Estonian citizenship, whereas the term "person without citizenship" preferred by the Russian delegation clearly tends to do the opposite. The conditions established by the law for acquiring Estonian citizenship, including tests on the applicants' knowledge of the Estonian language and Estonia's Constitution, have been consistently developed by taking into account both the experience gained by Estonian authorities within the naturalization process and the advice given by independent experts. Introducing tests with multiple answers to choose from instead of oral examinations is clearly beneficial for all applicants. The passage rate, as stated in the Organization for Security and Cooperation in Europe (OSCE) Mission's activity report No. 93, is currently 86 to 90 per cent.

2. In most democratic countries, as well as in the countries of the Commonwealth of Independent States, the term "national minority" is used in regard to the citizens of a State and not the foreign nationals or persons of another legal status, residing in that State. This approach is reflected in the Law on Cultural Autonomy of National Minorities that was first proclaimed by Estonia in 1925, and which was re-enacted in 1993 following five decades of Soviet occupation. This law is an entitlement programme to provide subsidies to cultural organizations run by citizens belonging to national minorities; all residents of Estonia are free to participate in the relevant organizations.

Estonia, like most other States, therefore accords the legal status of national minorities to those national groups that are clearly related to their country of residence (i.e., Estonia) in historic, cultural and civic society terms. However, there are no legal acts that would restrict the use of language or hinder the culture and education of those persons who are not Estonian citizens. In practical terms, persons belonging to all major national groups residing in Estonia have the right and the possibility to be educated in their mother tongue and to develop their own culture. No one national or linguistic group is denied these rights, and no one is granted a privileged status, including Russian linguistic or national groups. On these grounds, the Ukrainian Ministry of Foreign Affairs recently expressed its full satisfaction with Estonia's minority policy to the visiting Minister for Foreign Affairs of Estonia. Ukraine is delighted that Ukrainians, forming the second largest

ethnic group of foreign origin in Estonia, can freely develop their own national culture and are not subverted to Estonianization or Russification.

3. According to the Law on Local Elections, all registered residents of Estonia have the right to vote in local elections, irrespective of their citizenship or lack of citizenship. It would be hard to comprehend the meaning of statehood, if a State grants the right to vote in national elections to foreign citizens. Therefore, it remains unclear what the Russian delegation means by its accusation of the "limitation of political ... rights of non-citizens".

Land ownership by non-citizens is decided by the Government or its regional representatives; in practice, non-citizens may own the land underneath their real property. All residents of Estonia may participate equally in the privatization of State-owned enterprises and housing.

4. The OSCE Mission in Estonia and the High Commissioner on National Minorities, Mr. Max van der Stoel, have advised the Government of Estonia to issue alien's passports which would serve as a travel document while containing a valid Estonian residence permit. Any State has, above all, the obligation to take care of the interests of its own citizens at home and abroad. Estonia does not pretend to defend the interests of persons enjoying any other legal status. Both these two principles are irrespective of ethnic or linguistic origin.

Estonia appreciates the fact that while issuing alien's passports - under humanitarian considerations - other States responded to the same considerations and accepted these passports as valid travel documents. Even the Russian Federation, far short of accepting them de jure, is temporarily accepting alien's passports de facto.

5. There is no evidence that geography, mathematics or any other subject also taught in Russian language schools in Estonia have been curtailed or eliminated from the curricula. The history of Estonia as well as the history of the Russian Federation, Latvia and Lithuania, and the Scandinavian countries as neighbouring States, is taught in all schools throughout Estonia. Following the restoration of Estonia's independence, the issuing of new textbooks was inevitable. The majority of us would easily agree that teaching children Stalinist and communist dogmas, as was the practice in the former Soviet Union, would not benefit them today. However, it remains unclear how the knowledge of any other languages, including the Estonian language, in addition to the Russian language as the mother tongue, should lead to lowering the level of intellectual capabilities. There is no statistical evidence in Estonia that the knowledge of more than one language will reduce someone's competitiveness in the labour market.

6. The Estonian Government has not and will not interfere in relations between the Estonian Apostolic Orthodox Church and the Russian Orthodox Church. The problems concern canonical law between the Estonian Apostolic Orthodox Church and the local branch of the Russian Orthodox Church, as well as between the Patriarchs of Constantinople and Moscow, cannot be solved by the Estonian or the Russian Governments, but by the churches themselves. There is no evidence that in practical terms the day-to-day activities of orthodox faithful have been

disturbed or that there are any intentions to do so. We remain very concerned that starting with President Boris Yeltsin's speech at the OSCE summit at Budapest in December 1994, the Russian Federation has continuously tried to politicize the inter-church relations between the Orthodox churches.

7. The role of OSCE and the results stemming from its activities can be considered to be reliable, as far as OSCE member States take into consideration the organization's own reports. However, Estonia does not object to discussing reports compiled by other organizations and bodies concerning OSCE member countries - not just Estonia and the Russian Federation - on an equal basis if these reports are considered to be adequate and significant by OSCE member States.

8. The European Convention on Human Rights and its additional protocols actually do include instruments of direct application. It is hoped that the Russian Federation, after recently signing the European Convention on Human Rights, would find the ways and resources to inform its diplomats about their contents.

Estonia is constantly looking for ways to improve its relations with Russia and will continue to do so even in the face of increasingly overt threats to its statehood from influential Russian political circles - threats which unfortunately are not countered by Russian officials. We do hope that the Russian delegation will find a better and more constructive way to serve both the Russian national interest and the interests of security and cooperation in Europe.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/115
15 April 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 152 of the preliminary list*

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Letter dated 12 April 1996 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a highly unjustifiable measure taken by the Government of the United States of America against one of the diplomatic staff of the Permanent Mission of the Sudan to the United Nations.

On 9 April 1996, the United States Mission to the United Nations required the Second Secretary in the Mission, Mr. Ahmed Yousif Mohamed, to leave the United States within 48 hours, alleging that he was engaged in terrorist and espionage activity.

The said action by the United States constitutes an illegal demand under the Headquarters Agreement and other relevant international norms.

In New York, the legal status of permanent missions of Member States and their personnel and the scope of their privileges, immunities and exemptions are governed by the relevant provisions of Article 105 of the Charter of the United Nations, the 1946 Convention on the Privileges and Immunities of the United Nations, the 1947 Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations as well as by the provisions of 1961 Vienna Convention on Diplomatic Relations applicable mutatis mutandis.

It should also be noted that important principles and norms regulating relations between States and international organizations such as the United Nations and its specialized agencies have been codified in the 1975 Vienna

* A/50/150.

96-09522 (E) 170496 180496

Convention on the Representation of States in their Relations with International Organizations of a Universal Character. Even though that Convention is not yet in force, it represents a significant development of principles and norms on the matter.

While the scope of the privileges and immunities, as well as exemptions and facilities of missions and their personnel, is regulated in various degrees of detail by the above-referenced instruments, questions of the right of the host country to expel members of missions for allegations of abuse of immunities are not adequately addressed by any of the above-referenced instruments. Those instruments which contain specific provisions on the matter have laid down specific procedures to be invoked in order to resolve contentious situations.

In accordance with section 13 (b) of the 1947 Headquarters Agreement, 1/ a person entitled to diplomatic immunities in case of abuse of privileges of residence outside his official capacity is not exempt from "the laws and regulations of the United States regarding the continued residence of aliens".

The drafters of the Agreement envisaged cases where the host country may misuse its prerogative under this provision because mission staff are not accredited to the United States Government but to the United Nations and accordingly the Agreement set out a stringent condition on the exercise of that right by the host country. Under article IV, section 13 (b) (1), "No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of Member ..." [emphasis added]. Moreover, paragraph (2) of section 13 (b) expressly grants "a representative of the State concerned ... the right to appear in any such proceedings on behalf of the person against whom they are instituted".

The unilateral decision of the United States to expel the Second Secretary of the Sudan Mission, Ahmed Yousif Mohamed, runs contrary to the obligations incumbent upon the United States under the express terms of the Agreement. The legitimate expectation was that the United States Government is obliged to report whatever charges it may have against him immediately to the Sudan Government and provide the necessary evidence to substantiate its claim. However, the United States Government has failed to come forward to press official charges, or to consult the Sudanese Government prior to taking its decision. It is not easy to understand why it had taken so long to charge him with these false pretensions.

The requirements of consultation with and representation of the Member concerned under the Agreement is a prerequisite to any proper exercise of right of expulsion. The failure of any organ of the American authorities to follow the required procedure is attributable to the United States Government.

In accordance with section 25 of the 1947 Headquarters Agreement the United States shall have the ultimate responsibility for the fulfilment of any obligations imposed by the Agreement on the appropriate American authorities.

The practice of the United Nations itself lends support to this position. The General Assembly has repeatedly affirmed that "the problems related to the privileges and immunities of all missions accredited to the United Nations ... are of great importance and concern to Member States, as well as the primary responsibility of the host country" (resolution 41/82, preamble).

The General Assembly also requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country, and to continue to stress the need for pertinent measures adopted by the host country to be in accord with the Agreement and its other relevant obligations. Within this context, the Sudan Government asks whether the Secretary-General is currently involved at all. If so, to what extent has he been actively engaged in this incident?

As to the substance of the allegations against the diplomat, the Sudan Mission to the United Nations rejects as totally fabricated and groundless the assertions to the effect that some of its members engage in activities which bear no relation to United Nations affairs. The manifestations of pressure by the United States are regarded by the Sudan Government as yet another hostile act substantially impeding the discharge of the duties of the Sudan Mission in the United Nations. The measures adopted against the Sudanese diplomat amount to a naked action by the host country to reduce the size of the Sudan Mission and thus directly undermine the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security.

The said action by the United States is arbitrary and groundless and constitutes a flagrant violation by the United States of the obligation it undertook, as the host country of the United Nations Headquarters, to ensure the necessary conditions for the normal functioning of the United Nations and the unhampered participation in its work by States members.

I have the honour to request that the present letter be circulated as a document of the General Assembly, under item 152 of the preliminary list, and brought to the attention of the Committee on Relations with the Host Country.

(Signed) Hamid Ali ELTINAY
Chargé d'affaires a.i.

Notes

1/ United Nations, Treaty Series, vol. II, No. 147.